



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Jorge M. Gonzalez, City Manager

DATE: March 22, 2010

SUBJECT: **ADDENDUM FOR LAND USE AND DEVELOPMENT COMMITTEE MEETING AGENDA**

Attached, please find an addendum to the Land Use and Development Committee Agenda.

4. DISCUSSION REGARDING THE RELATIONSHIP BETWEEN PRODUCTION SUD AND THE CITY OF MIAMI BEACH

JMG/JGG/RL ^{RGL}

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SUBJECT: **DISCUSSION REGARDING THE RELATIONSHIP BETWEEN PRODUCTION SUD AND THE CITY OF MIAMI BEACH**

Background

Production Sud, Inc. is the operator of the Antiques and Collectibles Market on Lincoln Road via an Operation and Management Agreement (the "Agreement") which was authorized by the City Commission on September 6, 2006, following Request for Proposals (RFP) No. 30-05/06. The Agreement, which grants Production Sud, Inc. (the "Concessionaire") the exclusive right to operate an open air street market on Lincoln Road, between Meridian Avenue and Alton Road and on Michigan Avenue, between North Lincoln Lane and South Lincoln Lane (the "Market"), had an initial term of three (3) years, through September 30, 2009. The Agreement also provided for one (1) three (3)-year renewal term, which was approved by the Land Use and Development Committee on July 1, 2009, extending the term of the Agreement until September 30, 2012. The Market operates on Sundays between 9:00 am and 6:00 pm.

In late summer, 2008, the Concessionaire was informed that it could not operate on the 1100 block of Lincoln Road due to the impending construction in connection with the 1111 Lincoln Road Project (the "Project"). Pursuant to a development agreement between the City and the Project's Developer, UIA Management, Inc. ("UIA"), the 1100 block was closed to vehicular and pedestrian traffic until late November 2009 to accommodate its reconstruction as a pedestrian mall. Closure of this portion of Lincoln Road resulted in the Concessionaire losing approximately 27 vendor locations that were on this block. A portion of these vendors were relocated to other locations within the Concession Area.

The 1100 block reopened on January 11, 2010. Prior to the opening, the Commission discussed various operational issues relating to this block, including an interest in maintaining the area as an open plaza only for pedestrians. As a result, no new sidewalk cafés have been approved, and other activities that occur in other blocks are not programmed here (e.g. artist vendors, etc.). A review of our records indicates that Production Sud has never requested, in writing, to be permitted to re-occupy the 1100 block. In following up with them prior to this meeting, Production Sud verbally requested permission of staff just last week (on March 18, 2010), to return to the 1100 block of Lincoln Road.

Conclusion

Consistent with the prior Commission discussion, it is recommended that the 1100 block continue to remain un-programmed. City staff will continue to work with Production Sud to identify alternative locations for their market on Lincoln Road. Please note that pursuant to Article 13 of the Agreement, in the event the City closes down a portion of the Concession Area for the purpose of undertaking capital improvements, the affected area can, at the City's sole discretion, be partially terminated for convenience, without cause or penalty to either party. Article 13 also provides for termination of the Agreement in its entirety for convenience and without cause by the City or the Concessionaire, upon furnishing of thirty (30 days) written notice, without cause or penalty to either party.

Cc: Hilda M. Fernandez, Assistant City Manager
Anna Parekh, Director REH&CD
Jorge Gomez, Planning Director

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